

COMMSOUTH Media ASSOCIATES

P.O. Box 810 - CROSSVILLE, TENNESSEE 38557 (615) 456-4656

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FCC MAIL ROOM

February 8, 1996

Secretary
Federal Communications Commission
1919 M Street, N.W. - Room 222
Washington, D.C. 20554

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FEB 26 1996

AUDIO SERVICES DIVISION

Re: ~~Petition~~ to Amend FM Table of Assignments 73.202(b)
~~Change~~ Community of License WMSU
Has: Channel 221A Starkville, Mississippi
Req: Channel 222A Ethelsville, Alabama

DOCKET FILE COPY ORIGINAL

Dear Secretary:

Pursuant to Section 1.401 of the Federal Communications Commission's Rules, please find enclosed an original and four copies of the above styled Petition for Rule Making on behalf of Charisma Communications Corporation.

Please don't hesitate to call me should you have any questions or concerns about this matter.

Sincerely,



Kirk A. Tollett
Consultant to Charisma Communications Corporation

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)
)
Amendment of Section 73.202 (b)) Docket No. _____
Table of Assignments,) RM _____
FM Broadcast Stations)
Ethelsville, Alabama)

To: Chief, Policy and Rules Division

DOCKET FILE COPY ORIGINAL

PETITION FOR RULE MAKING

Charisma Broadcasting Company, (hereinafter "Charisma"), licensee of FM Broadcast Station WMSU at Starkville, Mississippi, pursuant to Section 1.401 of the Commission's Rules, respectfully petitions the Commission to institute a rule making proceeding to modify its license to specify operation on FM Channel 222A at Ethelsville, Alabama, in lieu of FM Channel 221A at Starkville, Mississippi. Specifically, Charisma seeks to amend Section 73.202(b) of the Commission's Rules as follows:

City	Channel Number	
	Present	Proposed
Starkville, Mississippi	221A, 291C2	291C2
Ethelsville, Alabama		222A

Section 1.420 (i) of the Commission's Rules permits an FM radio broadcast station to petition the Commission to amend the FM table of allotments to specify a new community of license for an FM radio station where the new allotment is mutually exclusive with the present allotment. In addition, the station involved would not risk the loss of its authorization to competing applicants. Modification of FM and TV Authorizations to

Specify a New Community of License, 4 FCC Rcd 4870, 66RR 2d (1989), (hereinafter "Report and Order I") recon. granted in part, 5 FCC Rcd 7094, 68 RR 2d 644 (1990) (hereinafter "Report and Order II"). Report and Order I identifies three threshold requirements to specifying a new community of license:

- 1) the existing and proposed allotments must be mutually exclusive;
- 2) the new allotment better serves the Commission's allotment priorities;
and
- 3) the reallocation of the channel will not deprive the original community of its only existing local transmission service

As will be shown, this request meets each requirement and may, therefore, be granted.

I. ALLOTMENT OF CHANNEL 222A AT ETHELSVILLE IS MUTUALLY EXCLUSIVE WITH AN ALLOTMENT OF CHANNEL 221 AT STARKVILLE.

Exhibit E, Figure 1, shows that Channel 222A at Ethelsville cannot co-exist with an allotment of 221A at Starkville. These communities are 47 kilometers apart, which is 25 kilometers less than the minimum separation of 72 kilometers required in Section 73.207 of the rules.

II. THIS RULE MAKING PROPOSAL WILL BETTER SERVE THE PUBLIC INTEREST AND THE COMMISSION'S ALLOTMENT PRIORITIES.

Charisma has determined that Channel 222 may be allotted to Ethelsville in full compliance with Section 73.207 of the rules. Channel 221A as allocated at Starkville is limited in the coverage area and population which it may serve. It is a grand fathered short-spaced channel at 3 kW under Section 73.213(c)(1) of the rules. By allotting Channel 222A to Ethelsville, the Commission will eliminate the short-spacing under Section 73.207 of the rules and provide the first local service to Ethelsville. Additionally, assuming construction of maximum Class A facilities at the proposed reference

coordinates for the Ethelsville allocation, the 60 dBu coverage area of WMSU would increase from the current 1822.8 square kilometers and a population of 54,577 persons to 2547.0 square kilometers and a population of 68,672 persons.

Ethelsville is an incorporated city located at the north western corner of Pickens County Alabama. Ethelsville has its own local government with an elected Mayor and Town Council, a local fire department and local water utility department. (See Attachment A). Ethelsville is not located in an Urbanized area nor is it located in any Statistical Metropolitan Area.

III. CHARISMA'S PROPOSAL WILL NOT DEPRIVE STARKVILLE OF ITS ONLY "EXISTING SERVICE."

In its Report and Order II, the Commission reiterated that a reallocation must not deprive a community of its only "existing service." In the event that the Commission grants Charisma's request and modifies WMSU's community of license to specify Ethelsville, Starkville will retain an FM station, WMXU, Channel 291C2; and two AM Station's, WKOR, at day timer at 980 kHz and WSSO, a full timer at 1230 kHz.

It is the long standing policy of the Commission as mandated by Congress to allow the most efficient use of available spectrum in order to advance the public interest, convenience, and necessity. There is no FM broadcast facility currently licensed to Ethelsville, Alabama. Therefore, if adopted this proposal would provide first full-time local service to the community of Ethelsville, Alabama.

When Channel 222A is allocated to Ethelsville, Charisma will promptly file an appropriate application to modify the license of WMSU and upon grant of that application will promptly construct the authorized facilities.

WHEREFORE, for the foregoing reasons, the Commission should amend Section 73.202(b) of its Rules by allocating FM Channel 222A to Ethelsville, Alabama.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Kirk A. Tollett', with a stylized flourish at the end.

Kirk A. Tollett
Consultant to
Charisma Broadcasting Company

Commsouth Media, Inc.
P.O. Box 810
Crossville, TN 38557-0810
(615)456-4656
January 31, 1996

DECLARATION

I, Bill Milam, Vice President of Charisma Broadcasting Company, (hereinafter Charisma) hereby certify that:

1. Charisma is licensee of FM Station WMSU at Starkville, Mississippi.
2. Charisma requesting the Federal Communications Commission institute the appropriate Rule Making to allocate FM Radio Channel 222A to the town of Ethelsville, Alabama in lieu of Channel 221A at Starkville, Mississippi and to modify the WMSU license accordingly.
3. Charisma has retained Kirk A. Tollett and Commsouth Media, Inc. to assist us in the preparation and filing of the required technical exhibits to facilitate the afore mentioned rule making.
4. If FM Channel 222A is allocated to Ethelsville, Alabama, Charisma will promptly apply for a construction permit to modify the license of WMSU. If a construction permit is granted, Charisma will promptly construct and operate the station for which It is licensed.

I hereby certify under penalty of perjury that the above statement is true.

Signed and dated this 22 day of February, 1996



Bill Milam, Vice President
Charisma Broadcasting Company
Box 980
Starkville, Mississippi 39759

E X H I B I T E

Prepared by:
Kirk A. Tollett
Commsouth Media, Inc.
P.O. Box 810
Crossville, Tennessee 38557

Prepared for:
Bill Milam
Charisma Communications
Corp.
P.O. Box 980
Starkville, Mississippi 39759

Technical Statement

WMSU Starkville, MS

January 31, 1996

E X H I B I T E

TECHNICAL STATEMENT

Charisma Broadcasting Company

Ethelsville, Alabama

January, 1996

INTRODUCTION

This technical statement has been prepared on behalf of Charisma Broadcasting Company, in support of a Petition for Rule Making, requesting a change in the Community of License of WMSU from Channel 221A at Starkville, Mississippi to Channel 222A at Ethelsville, Alabama and in the FM Table of Assignments, Paragraph 73.202(b) of the FCC Rules as follows:

City	Channel Number	
	Present	Proposed
Starkville, Mississippi	221A, 291C2	291C2
Ethelsville, Alabama		222A

As can be gleaned from the attached Figures, Channel 222A can be added to the Federal Communications Commission Table of Assignments with out the necessity of any other changes and without the creation of any new preclusion area.

DISCUSSION

Figure 1, is a computer generated allocation study using the Commission's specified method of distance computations, demonstrating the assignability of FM Channel 222A to Ethelsville, Alabama. The information contained in Figure 1, was utilized to determine the Clearance Area outlined in Figure 2.

Figure 2 is a full scale reproduction of a portion of a U.S.G.S. 1:250,000 map entitled "West Point, Mississippi". Upon it has been superimposed a cross mark which represents the coordinates utilized in the preparation of this Report. The geographic coordinates selected for this study were:

N 33° 28' 50"

W 88° 15' 16"

Figure 2, details the area of Ethelsville and the pertinent arcs from all co-channel as well as adjacent channel facilities, allocated, assigned or operational within 200 miles of the proposed allocation. For purposes of demonstrating clearance, the present license of WMSU-FM on Channel 221A has been ignored. Based on Figure 2 it is believed that there is ample clearance area (highlighted in yellow) to locate a tower site that would place the required unobstructed city grade signal, (70 dBu), over the entire Community of Ethelsville, Alabama. Figure 3 demonstrates the calculated city grade signal (70 dBu) of the proposed facility utilizing a hypothetical tower, with a center of radiation 100 meters above average terrain and an effective radiated power of six kilowatts from the reference coordinates used in this petition.

CONCLUSION

Based on this information, and the figures that are included in this Report, we believe that the proposed assignment would be in full compliance with the Federal Communications Commission's Rules, and that Channel 222A could be assigned to Ethelsville, Alabama as that communities first local broadcast service.

Therefore, Charisma Broadcasting Company, respectfully requests amendment of the Commission's Table of Assignments, Section 73.202(b), and will promptly apply for a construction permit, should the Federal Communications Commission make the requested assignment.

Respectfully,

A handwritten signature in black ink, appearing to read "Kirk A. Tollett", with a stylized flourish extending from the end.

Kirk A. Tollett
Consultant to Charisma Broadcasting Company
January 31, 1996

FIGURE 1
FM SEPARATION STUDY
CHARISMA COMMUNICATIONS CORP.
WMSU FM CHANNEL 222 CLASS A
ETHELSTVILLE, ALABAMA

FM search of channel 222A6 (92.3 MHz), at N. 33 28 50, W. 88 15 16.

Searching Channel 222A6 (92.3 MHz):

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEARANCE
WYFD	Decatur	AL	219	C2	L	208.6	55.0	45.5°	153.6
WJTA	Kosciusko	MS	219	A	L	124.3	31.0	250.1°	93.3
W220BC	Florence	AL	220	D	C	148.8	0.0	23.3°	148.8
WGIB	Birmingham	AL	220	A	L	134.3	31.0	89.8°	103.3
WMBV	Dixons Mills	AL	220	C1	L	157.5	75.0	162.1°	82.5
NEW-T	Booneville	MS	220	D	A	128.9	0.0	349.1°	128.9
ALC	Cullman	AL	221	A	U	151.8	72.0	59.5°	79.8
ALC	Hamilton	AL	221	A	U	74.7	72.0	19.0°	2.7
WERHFM	Hamilton	AL	221	A	L	74.7	72.0	19.0°	2.7
WKUL	Cullman	AL	221	A	L	161.7	72.0	60.7°	89.7
ALC	Starkville	MS	221	A	U	46.8	72.0	263.2°	-25.2
ALC	University	MS	221	A	U	159.8	72.0	312.3°	87.8
ALC	Yazoo City	MS	221	C3	U	221.8	89.0	258.0°	132.8
W221AL	Meridian	MS	221	D	L	130.6	0.0	198.6°	130.6
WJNSFM	Yazoo City	MS	221	C3	L	211.1	89.0	250.5°	122.1
WMSU	Starkville	MS	221	A	L	46.8	72.0	263.2°	-25.2
WUMS	University	MS	221	A	L	147.5	72.0	313.9°	75.5
ALC	Montgomery	AL	222	C	U	226.4	226.0	121.8°	0.4
WLWIFM	Montgomery	AL	222	C	L	226.5	226.0	121.8°	0.5
ALC	Grenada	MS	222	A	V	148.2	115.0	284.6°	33.2
NEW	Grenada	MS	222	A	A	153.9	115.0	285.9°	38.9
NEW	Grenada	MS	222	A	A	160.1	115.0	285.1°	45.1
NEW	Grenada	MS	222	A	A	160.1	115.0	285.1°	45.1
ALC	Dora	AL	223	A	V	107.9	72.0	78.5°	35.9
ALC	Forest	MS	223	C	U	165.3	165.0	221.5°	0.3
ALC	Baldwyn	MS	223	A	U	111.1	72.0	339.0°	39.1
WESE	Baldwyn	MS	223	A	L	113.9	72.0	339.5°	41.9
WESE	Baldwyn	MS	223	A	A	113.9	72.0	339.5°	41.9
WQSTFM	Forest	MS	223	C	L	165.3	165.0	221.5°	0.3
ALC	Talladega	AL	224	A	U	190.7	31.0	92.3°	159.7
ALC	Haleyville	AL	224	A	U	101.8	31.0	34.9°	70.8
WEYYFM	Talladega	AL	224	A	L	190.7	31.0	92.3°	159.7
WJBBFM	Haleyville	AL	224	A	L	101.8	31.0	34.9°	70.8
ALC	Holly Springs	MS	224	A	U	180.2	31.0	323.5°	149.2
W224AP	Tupelo, etc.	MS	224	D	L	91.7	0.0	332.1°	91.7
WKRAFM	Holly Springs	MS	224	A	L	180.2	31.0	323.5°	149.2
ALC	Tuscaloosa	AL	225	C1	U	80.9	75.0	125.2°	5.9
W225AB	Florence	AL	225	D	L	155.5	0.0	19.9°	155.5
WTUGFM	Tuscaloosa	AL	225	C1	L	81.0	75.0	125.7°	6.0
ALC	Linden	AL	275	C2	U	126.6	14.0	152.5°	112.6
WNPTFM	Linden	AL	275	C2	L	129.7	14.0	150.7°	115.7
ALC	Moulton	AL	276	A	U	147.2	10.0	38.5°	137.2
W276AG	Center Point, etc.	AL	276	D	L	144.6	0.0	86.4°	144.6
W276AM	Florence, etc.	AL	276	D	L	155.8	0.0	19.9°	155.8
WXKI	Moulton	AL	276	A	L	150.7	10.0	39.1°	140.7
ALC	Columbus	MS	276	C2	U	25.7	14.0	274.0°	11.7
WMBCFM	Columbus	MS	276	C2	L	31.1	14.0	240.9°	17.1

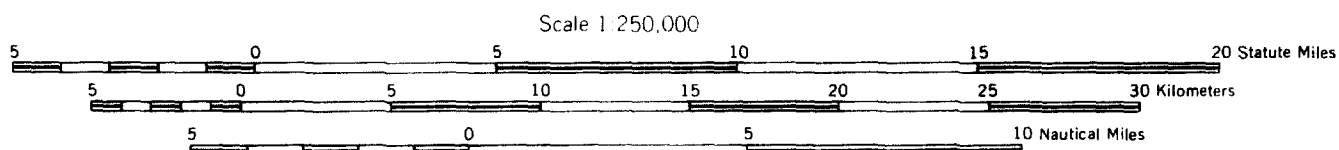
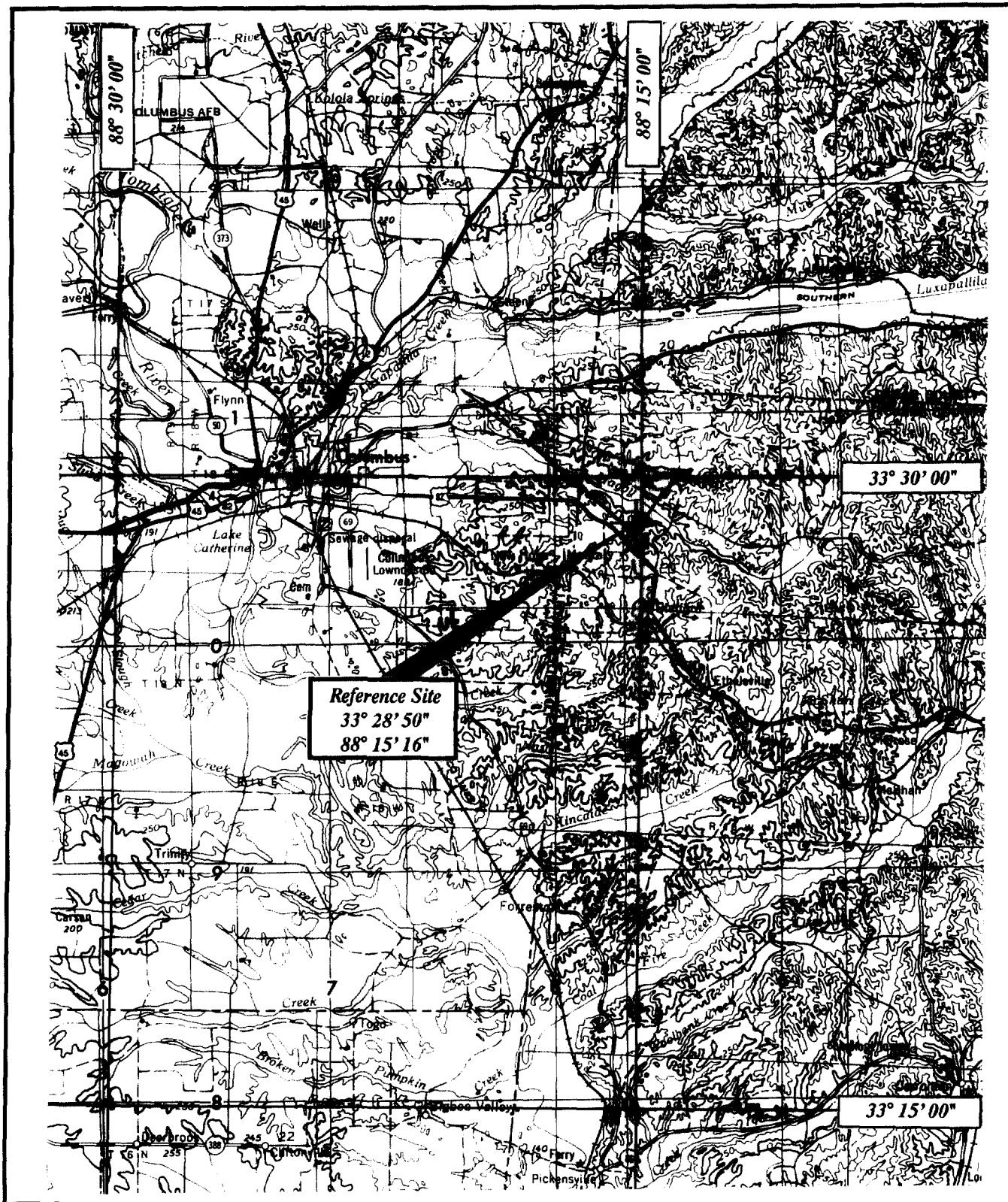
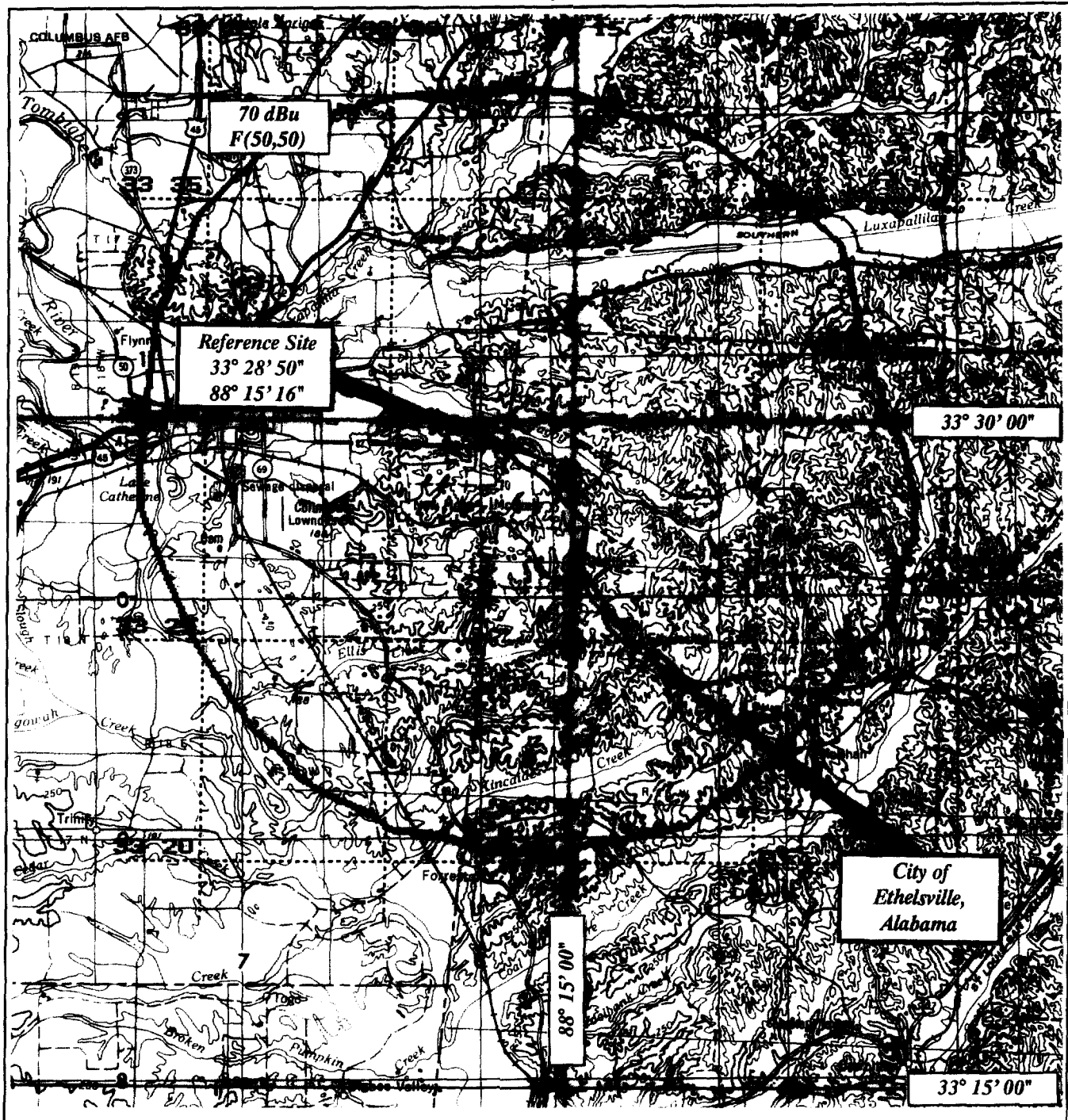
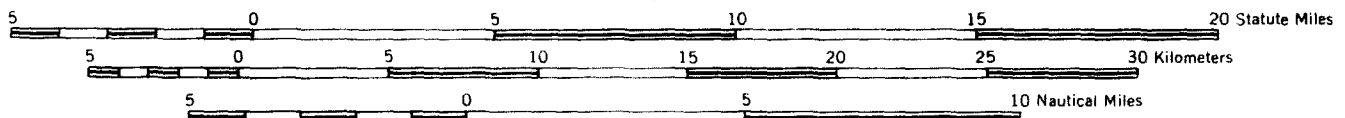


FIGURE 3
CITY GRADE COVERAGE CONTOURS
CHARISMA COMMUNICATIONS CORP.
WMSU FM CHANNEL 222 CLASS A
ETHELVSILLE, ALABAMA



Scale 1:250,000



CERTIFICATION

Kirk A. Tollett hereby certifies that;

He is President of Commsouth Media, Inc., a broadcast consulting firm based in Crossville, Tennessee;

His qualifications in broadcast matters are a matter of record before the Federal Communications Commission having been presented and accepted on many occasions over the past nineteen years;

That he has been retained by Charisma Communications, Corporation, for the purpose of developing technical exhibits and analyses of which this certification is a part;

That the accompanying technical report and exhibits were developed by him personally or under his immediate supervision and that all the information presented therein is true and correct to the best of his knowledge and belief.

Signed and dated this 31th day of January, 1996



Kirk A. Tollett
Commsouth Media, Inc.
P.O. Box 810
Crossville, Tennessee 38557-0810
(615)456-4656

TOWN OF ETHELSVILLE

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P.O. Box 55
ETHELVSILLE, AL.
35461

Dear Mr. Milam;

First, I would like to thank you for coming to our town and involving us in your program.

(a) We have a population of 175 citizens and growing residence. By having a small town as Ethelsville, we hope in the future to be a place people can be proud to live in.

(b) We provide water service our city and surrounding area and maintain our own water lines within a small budget even though our lines are 20 years old.

We have a volunteer fire department that provides a five mile area with fire protection.

(c) Yes, I think service from your radio station would benefit, because it would let people know what's going on in our community.

(d) You can help my community by helping those in need in case of a disaster, fire, etc. with your program.

(e) We have a political rally and fund raiser for people in time of need. The publicity would be a great help in the near future. We plan to have a fund raiser to help us build a recreation park in our town.

The town council includes:

Mayor - Juanita Brownlee

Council Members: Jamie Lancaster
Zella Jaynes
Patricia Schultz

I hope I provided you with all the information to help you understand how much your services would help us.

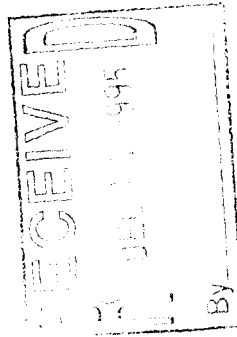
Yours truly,

Leatrice J. Brownlee

Leatrice J. Brownlee,
Mayor

TOWN OF ETHELSVILLE
Mayor Juanita Brownlee
P.O. Box 55

ETHELVSILLE, AL 35461



CHARISMA BROADCASTING
% Bill Milam
P.O. Box 1076
Columbus, MS 39703